

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STATE OF ARIZONA,

Plaintiff,

v.

RANDY HEYDEN,


Defendant.

Case No. 3:15-cv-00226-MMD-WGC

ORDER

This case came before the Court by way of a petition for removal filed by Defendant Randy Heyden. The Court dismissed the action, finding the removal to be improper. Mr. Heyden moves for reconsideration. (Dkt. no. 4.) Mr. Heyden explained that he objects to dismissal because he should have been identified as the plaintiff, not the defendant. The complaint that serves as the basis for removal identifies Mr. Heyden as the defendant. (Dkt. no. 1 at 4.) Only a defendant, the party being sued, has the right to remove a case. Mr. Heyden attached to the petition a separate complaint where he is identified as the plaintiff. However, Mr. Heyden cannot initiate a separate action within a petition for removal. It is therefore ordered that the motion for reconsideration (dkt. no. 4) is denied.

DATED THIS 4th day of August 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE